9.1.2 Manifest (40 CFR § 262 Subpart B)

According to Ms. Thelemaque, the last disposal of hazardous waste was made in 2009. No manifests were available for review.

9.1.3 Pre Transport Requirements (40 CFR § 262 Subpart C)

At the time of the CEI, one 55-gal container located at the HWAA did not have a label or mark with the words "HAZARDOUS WASTE

In addition, at the time of the CEI, the Facility failed to mark the following containers did not have accumulation start date:

- Six 30-gal containers of hydrochloric Acid –identified as Hazardous Waste
- Two 30-gal containers of sulfuric acid 20% – identified as Hazardous Waste
- Two 55-gal containers identified as Hazardous wasted
- 14 5-gal containers identified as hazardous waste

At the time of the CEI, the Facility failed to identify two SA containers with its contents.

10 USED OIL (40 C.F.R. § 279)

10.1 Subpart C – Standards For Used Oil Generators

At the time of the CEI, the following containers did not have a label or mark with the words USED OIL:

- Two 5-gal containers at the Used Oil Storage Area-Shed
- One 55-gal container at the Chemical Storage Area

At the time of the CEI, several used oil spills were noticed unattended at the Used Oil Storage and the Chemical Storage areas.

11 ENFORCEMENT ACTIONS

Based on the information presented above, I recommend the following enforcement actions:

1. A RCRA §§ 3007, 3008 Request for Information & Notice of Violation Letter.

Zolymar Luna, RCRA Inspector — January 7, 2015 — DATE

Ramon Torres, Chief
Response and Remediation — 1/7/15 — DATE

- The hazardous waste container at the HWAA was not labeled or mark with the HAZARDOUS WASTE or with the accumulation start date. (SQG requirement)
- Containers at the warehouse that were identified with the words Hazardous Waste did not have the accumulation start date.
- The Facility is operating as a SQG of hazardous waste:
    - Over 1000 kg of hazardous waste were accumulated at the Bottling Warehouse[3]. Therefore, additional requirements must be met: emergency equipment/procedures, hazardous waste training, recordkeeping/manifests and accumulation time limits.
- Used Oil containers
    - At least three containers of USED OIL were observed unidentified
    - Several spills were evidenced at the Used Oil Storage Area-Shed and at the Chemical Storage Area.

8 FOLLOW-UP ACTIONS

At the closing meeting, a 30-day period was provided to Ms. Thelemaque, to address the issues that were identified during the CEI and inform EPA of the actions that were taken to prevent reoccurrence. However, no communication was received from her part.

9 CONCLUSIONS

9.1 GENERATORS

The Facility identifies itself as a CESQG, but was found to be operating as a SQG (more than 1,000 kg of hazardous waste were accumulated on-site). The facility's compliance with the applicable Generator requirements is as follows:

9.1.1 General Standards (40 CFR § 262 Subpart A)

At the time of the inspection, there was no indication of any hazardous waste determination on the following wastes:

- Expired chemicals at the lab:
    - Sulfite Indicator Plus
        - hazardous ingredients: sulfamic acid, silicon dioxide and amorphous silica-expired 06/2013
    - Potassium Iodide/Iodate : expired 10/2012 | two bottles
    - Hardness Tritant 1 mL: expired 02/2013
    - Differential Medium: expired 04/30/2011
    - Conductivity Solution
- Unidentified chemicals/materials at the warehouse
- Abandoned spilled materials at the Reverse Osmosis Building

[3] CESQG requirements apply if hazardous waste accumulation do not exceed 1000 kg/2,200lb.

US Environmental Protection Agency – Region 2
Caribbean Environmental Protection Division
Response and Remediation Branch

United States Environmental Protection Agency

Resource Conservation and Recovery Act (RCRA)
Compliance Evaluation Inspection Report

Cruzan Viril, LTD
EPA ID Number: VIR000001453
Mailing Address: P.O. Box 218
Frederiksted, St. Croix
USVI, 00841-0218
Physical Address: West Airport Road
3 & 3A, Estate Diamond
Frederiksted, St. Croix
USVI, 00840
NAICS: 325193, 312140
Geographical Coordinates: 17.704764,-64.826009

Facility Representative(s):
Name: Kristin Thelemaque
Title or Position: Environmental Health and Safety Specialist
Telephone: 340-692-2280
Email Address: Kristin.thelemaque@cruzanrum.com

EPA Inspector(s) Information:
Name: Zolymar Luna
Telephone: 787-977-5844
Email Address: luna.zolymar@epa.gov

Inspection Date: July 8, 2014

Project ID: CEPD-RCRA-14-0318

Record Schedule: 108-025-05 478(b)

Status: FINAL

Reason for the Inspection: Core Program

Enclosures: Figure 1-Facility Location and CEI Photolog

1 INTRODUCTION

A Resource Conservation and Recovery Act (RCRA) Compliance Evaluation Inspection (CEI) was conducted on July 8, 2014, at Cruzan Viril, LTD (the Facility). The Facility is located at West Airport Road, 3 & 3A Estate Diamond, St. Croix, USVI. Refer to Figure 1 for the location and for an aerial photograph of the Facility. The purpose of this CEI was to evaluate the Facility's compliance with the regulations that govern hazardous waste and used oil generators. The CEI consisted of: an opening meeting, a Facility walkthrough, a review of Facility documents, and a closing meeting.

According to EPA records[1], the Facility notified EPA of its hazardous waste activities as small quantity generator (SQG) on December 6, 2009, and updated its status as conditionally exempt small quantity generator (CESQG) on February 28, 2011. The Facility has been inspected twice by EPA: on 02/11/2002 and 09/26/2003. No violations were found.

2 OPENING MEETING

I met Ms. Kristin Thelemaque, Environmental Health and Safety (EHS) Specialist, for the opening meeting. I presented my credentials, explained the purpose of the inspection and requested information on Facility's operations and generation of solid waste. Consequently, Ms. Thelemaque explained that the Facility is engaged in the distillation of alcohol for the production of rum, brand-named Cruzan Rum. I inquired about the ownership of the Facility, and Ms. Thelemaque explained that Cruzan Rum was owned by Beam Company Global.

During the meeting, I requested a Facility layout, hazardous waste training records and hazardous waste manifests. Ms. Thelemaque explained that they have not generated hazardous waste since -at least- 2009 and reiterated that they were operating as CESQG. I inquired about the Facility's Spill Prevention Control and Countermeasure (SPCC) Plan. Ms. Thelemaque indicated that it was under review, because there were changes in the Facility that have to be incorporated into the Plan. However, she agreed to provide it for my review.

At the meeting, Ms. Thelemaque explained that she has held the EHS Specialist position for six years, and confirmed that she oversees the management of used oil and hazardous waste.

3 FACILITY PHYSICAL DESCRIPTION AND OPERATION

According to the information provided by Ms. Thelemaque, the Facility is located within a 60 acre lot. Based on the Aerial Photograph (**Figure 1**) of the Facility, the nearest residential nucleus is located at 100ft of the Facility's eastern boundary line. The Caribbean Sea is located about 1.25 miles south.

The Facility operates 24/7 with three shifts schedule. At the time of the CEI, the Facility's personnel consisted of about 60 employees, including directors, technicians, and contractors. The Facility operations include, maintenance: fleet and utilities, distillation, aging and visitor's center.

[1] *RCRAInfo, EPA internal database for RCRA compliance records.*

At the time of the CEI, the Facility was not operating. The entire system: fermentation tanks and distillation were out of service due to maintenance operations.

4 SOLID AND HAZARDOUS WASTE GENERATION

According to the information provided during the opening meeting, the Facility generates waste during its normal course of operations. The generation of waste includes: condensed molasses, used oil, laboratory's spent flammable solutions and office related waste (i.e. paper). However, as a result of the Facility's improvements activities (i.e. painting, cleaning) debris and unwanted chemical products have been generated. Ms. Thelemaque explained, that efforts to provide adequate storage for discarded chemicals, materials and equipment has been made. She expressed concerns on the discarded chemicals that were accumulated as a result of the major clean-up, and indicated that she was told that there was an exemption that allows hazardous waste generators to not count one-time events discarded materials towards the generator's status. I replied that the scenario needed to be evaluated. In addition, I stressed that in order to maintain CESQG status, the Facility cannot accumulate more than 1000 kg of hazardous at any time.

According to Thelemaque, the Facility has two satellite areas (SA), one hazardous waste accumulation (HWAA) area and one temporary area (TA). The satellite and hazardous waste areas are dedicated to the storage of spent flammable solutions derived from the laboratory operations. The TA, was improvised to accumulate the discarded materials that were found during the maintenance/clean-up operations.

5 FACILITY WALKTHROUGH

Ms. Thelemaque accompanied me during the Facility walkthrough. The following areas were inspected during the walkthrough; Quality Assurance/Control Laboratory (QA/QC - Lab), Hazardous Waste Accumulation Area (HWAA), Warehouse (Bottling Plan), Motor Pool, Chemical Storage Area-fermentation, Reverse Osmosis Building and the Condensed Molasses Soluble Plant (water treatment plant). The observations for each area are described below. Refer to CEI Photolog, enclosed, for pictures taken during the inspection.

5.1 QA/QC LAB

The QA/QC-Lab is located inside the EHS/Engineering building. At the time of the CEI, no one was working in the area. As a result, Ms. Thelemaque provided the information related to the laboratory operations. She explained that several analyses such as: chemical oxygen demand, alcohol content (proof), among others analyses consistent with the rum distillation process are performing in this area.

I proceeded to verify the SA's inside the laboratory and noticed two unidentified 5-gal containers. However, these were placed inside a (1ft by 1ft) area delimited with yellow tape, which identified the containers as follows: *DMA 5000M Waste Bucket-Flammable* (**Picture 1**). According to Ms. Thelemaque, the Facility has in place an identification method, which requires personnel to identify the objects by placing tape in the area assigned to an object (i.e. tools, cabinets, instruments). Ms. Thelemaque emphasized that the laboratory personnel are the only one that implement this identification method. However, she indicated that as per the established procedure, the container should also labeled.

In our way to the HWAA, several bottles of lab chemicals were observed on top of a flammable cabinet. I inquired about these, and Ms. Thelemaque was unable to provide an explanation and decided to call a lab assistant who was working in the building's office. The lab assistant indicated that these were not in use and were placed there pending further instructions. I verified the labels on the bottles and found that at least five were expired. The following chemicals were found (**Pictures 2 to 6**):

- Sulfite Indicator Plus
  - hazardous ingredients: sulfamic acid, silicon dioxide and amorphous silica-expired 06/2013
- Potassium Iodide/Iodate : expired 10/2012 | two bottles
- Hardness Tritant 1 mL: expired 02/2013
- Differential Medium: expired 04/30/2011
- Conductivity Solution

5.2 HWAA

The HWAA is located outside the EHS/Engineering Building. It consists of a flammable resistant wall-locker identified with the words "Hazardous Waste" (**Picture 7**). According to Ms. Thelemaque, spent solutions derived from the lab analyses (i.e. DMA wastes) are poured inside a 55-gal container, once full it is disposed as hazardous waste through Virgin Islands Regulated waste.

At the time of the CEI, two 55-gal containers and a tray filled with glass bottles were observed inside the wall-locker (**Picture 8**). One of the containers (i.e. metal, black) had a *Flammable 3* label and had installed a dispenser system and grounding claps/wires. The other was an unidentified plastic and white container. According to Ms. Thelemaque, the black metal container was acetone, and the white plastic container was used to accumulate the hazardous waste derived from the lab activities. She was not sure about the contents of the glass bottles, which were placed inside the tray at the top-shelf of the wall-locker.

5.3 WAREHOUSE-FORMER BOTTLING PLANT

This area is located next to the distillation plant. It used to be Cruzan Rum bottling plant, but bottling operations were transferred out of the Facility and it has been used as a warehouse since then.

According to Ms. Thelemaque, the space was not used adequately, and recently they Facility began activities to maximize the use of space and improve inventory control. As part of these efforts, maintenance and housekeeping activities have been implemented throughout the Facility. As a result, several materials have been discarded and accumulated at the warehouse for evaluation and disposal.

At the time of the CEI, I entered the warehouse accompanied by Ms. Thelemaque and noticed that the area was not well illuminated and lacked proper ventilation. Ms. Thelemaque added that it was and old building that was in need of major improvements. She added that the Facility's upper management was aware and as a result structural analyses were being conducted at several buildings of the Facility, including this one.

The warehouse was organized by chemical type/name and equipment/material. Several one cubic yard and 55-gal chemical containers (totes) were observed placed on pallets. The area was well kept in terms of aisle space and access. However, the area dedicated to the temporary accumulation of hazardous waste

was observed in an alarming state. The area had over 20 containers from 5-gal to 55-gal that were placed or stacked over four spill containment pallets. Some of these containers were identified with the words "HAZARDOUS WASTE," but others were not. I expressed my concerns on this matter, and Ms. Thelemaque explained that she identified as hazardous waste those materials she though would be hazardous waste based on their contents (i.e. labels) and her knowledge. However, she explained that there were containers that did not have labels and as a result samples needed to be obtained and analyzed to make a waste determination.

At the time of the CEI, the following containers were observed at the warehouse area:

- Six 30-gal containers of hydrochloric Acid –identified as Hazardous Waste
- Two 30-gal containers of sulfuric acid 20% – identified as Hazardous Waste
- Two 55-gal containers identified as Hazardous wasted
- 14 5-gal containers identified as hazardous waste
- Four 10-gal containers unidentified

Several containers were deteriorated (i.e. broken seals, collapsed) and lids were covered with a thick layer of dust and dirt (**Pictures 9 and 10).** I requested information on the period of accumulation, but Ms. Thelemaque was unable to provide such information.

5.4 MOTOR POOL

The Motor Pool Building is located at the east side of the main Facility. It provides maintenance and repairs to the Cruzan Viril's transportation fleet.

According to Ms. Thelemaque, the main generation of the Facility's used oil derives from this area. However, used oil is generated at other points (i.e. transfer pumps). Once removed from the vehicles or equipment, Facility's personnel are instructed to place it in containers at a Used Oil Storage-Shed area, located behind the Motor Pool Building.

I proceeded to inspect the Used Oil Storage area and noticed several containers (i.e. 55-gal to 1-gal) with oil, lubricants and used oil (viscous and deep brown colored oil). At least two used oil containers were open and without the words "USED OIL" (**Picture 11**). In addition, several used oil spills and stains were observed inside the shed. Although, the shed is provided with containment, it is uncertain if it would be able to contain a release of oil/used oil[2].

5.5 CHEMICAL STORAGE AREA-FERMENTATION TANKS

This structure is located adjacent to the fermentation building (central area). According to Ms. Thelemaque, the chemical storage area functions has shifted over time. Currently, it does not serve its original purpose – storage space –because it is not accessible to forklifts or pallet-jacks, which does not ease the transfer of containers in and out of the building.

[2] *Oil Pollution Act-SPCC Requirement-40 CFR 112.7(c), containment system is capable to prevent releases.*

At the time of the CEI, the building was locked, but an employee who was working in the area unlocked the main doors for us. Inside, I found two 55-gal containers of used oil placed over a wood pallet. One of the containers was identified whit the words USED OIL, the other was not identified and had evidence of spills and stains around it (i.e. dark stains). A used oil spill was observed near the before mentioned container (**Picture 12**). In addition, I observed two boxes of absorbent pads, paper bags/sacks of chemicals (i.e. polymer bags) and miscellaneous materials (**Picture 13**) placed over wood pallets.

5.6 REVERSE OSMOSIS VESSELS BUILDING

This area is located across the Chemical Storage Area. At the time of the CEI, I noticed several leaks and water accumulation inside the building. In addition, a spill containment pallet was observed with several unattended spills (**Picture 11**).

5.7 CONDENSED MOLASSES SOLUBLE PLANT (CMS)

The CMS plant was designed to reduce disposal of effluents from the distillery. The main objective of the plant is to address the associated environment-related problems, which have been a concern for the EPA and the Virgin Islands Department of Planning and Natural Resources.

At the time of the CEI, a 55-gal container with oily substance and submerged pipe (**Picture 12**) was observed in the tank farm area of the plant. The container was open and exposed to the elements. I inquired Ms. Thelemaque about this finding, and she replied that she was not familiar with this practice. No additional concerns were noted in this area.

6 DOCUMENTS REVIEW

I reviewed the requested facility's documentation before and after the Facility walkthrough. Ms. Thelemaque provided the SPCC Plan during the opening meeting and I reviewed it prior to the walkthrough, to obtain additional information on the Facility's operations. I inquired about hazardous waste management training, if any, and Ms. Thelemaque replied that a Hazard Communication Training was provided on June 25, 26 and 27, 2014. No hazardous waste manifests were available for review.

6.1 SPCC PLAN

Although not required, I reviewed the SPCC to familiarize with the Facility's operations and verify if it general emergencies scenarios (i.e. fires) were addressed. No concerns related to basic emergency procedures or to the emergency contact list were identified.

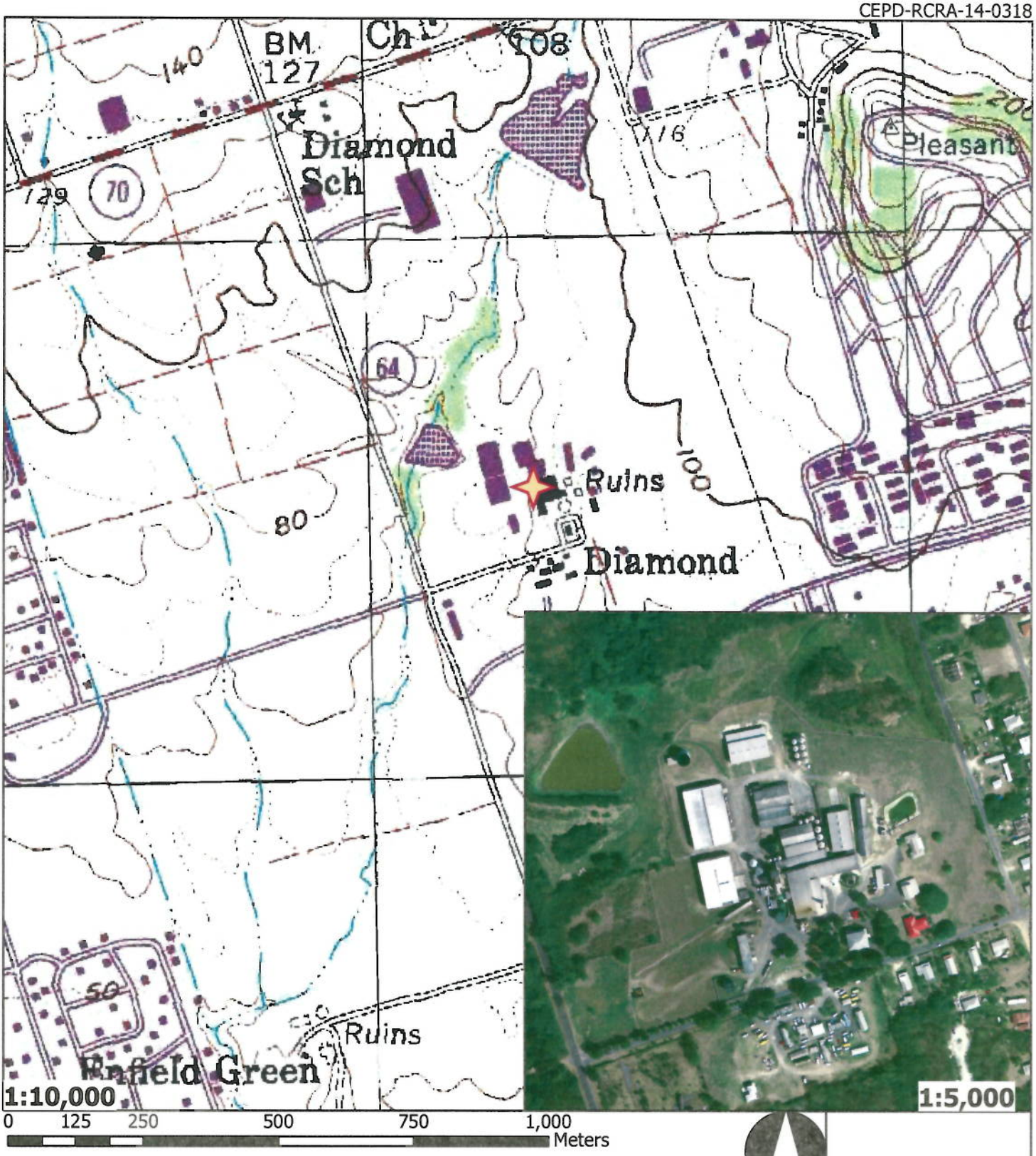
7 CLOSING MEETING

After completion of the walkthrough and document review, I met with Ms. Thelemaque to conduct a closing meeting. I communicated the facility the following:

- Hazardous waste determinations on expired lab chemicals, unidentified glass bottles inside the HWAA wall-locker and unidentified/discarded/abandoned spilled materials found at the warehouse and Reverse Osmosis Building.

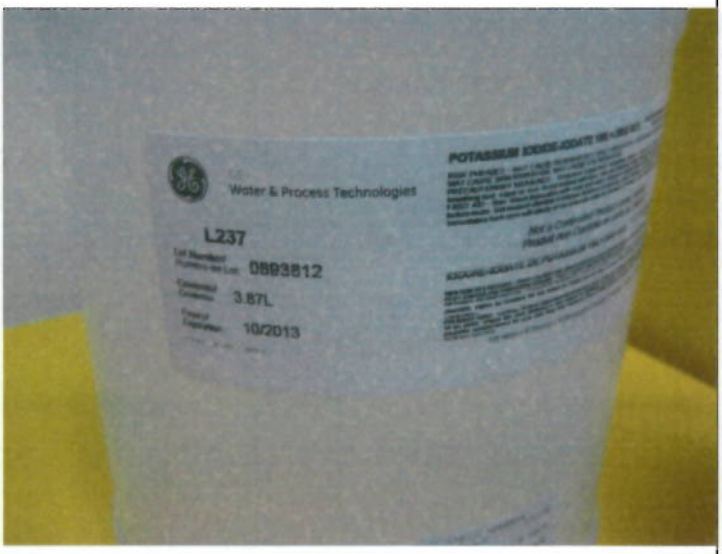
Figure 1 - Location Map & Aerial Photograph

Cruzan Viril, LTD
VIR000001453
CEPD-RCRA-14-0318

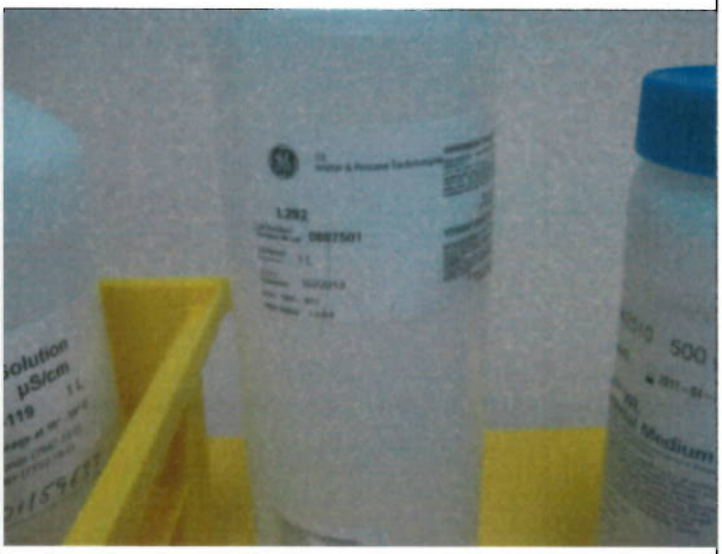


Picture 1 — View of one of the two SA found at the Lab. The 5-ga container was not identified, but the accumulation area was identified as DMA 5000M WASTE BUCKET-FLAMMABLE.

Picture 2 — Expired Sulfite Indicator bottle found at the Lab.

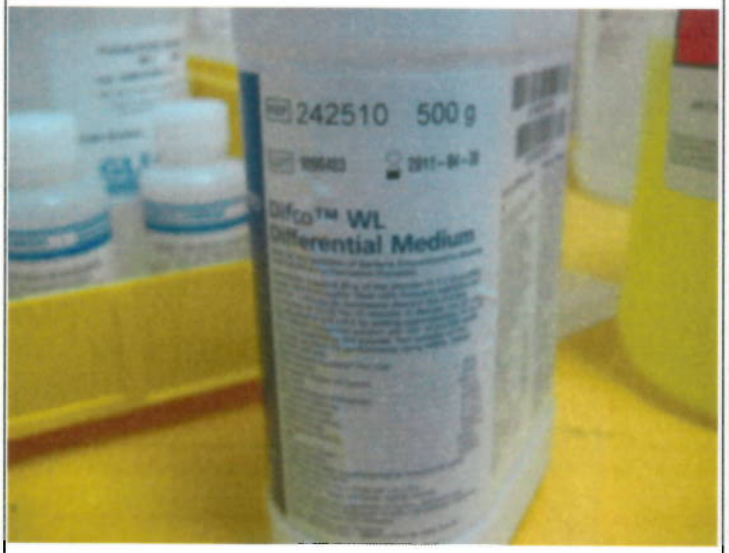


Picture 3 — One of the two expired Potassium Iodide/Iodate bottle found at the La



Picture 4 — Expired Hardness Tritant bottle found at the Lab.

EPA United States Environmental Protection Agency	Title: 2014-07-11-Cruzan Viril,LTD-CEI-Photolog	Pictures taken by: Z. Luna
	EPA ID: VIR000001453 Project: CEPD-RCRA-14-0318	Page: 1



Picture 5 — Expired Differential Medium bottle found at the Lab.

Picture 6 — Discarded Conductivity Solution bottle found at the Lab.

Picture 7 — HWAA wall-locker found outside the EHS/ Engineering Building.

Picture 8 — Inside view of the HWAA, hazardous waste container was not identified or dated with the accumulation start date.

Picture 9— General view of hazardous waste containers found at the warehouse.

Picture 10 — Hazardous waste/discarded materials at warehouse.

Picture 11— Inside view of Used Oil Storage Area-Shed.

Picture 12— Used oil containers found at the Chemical Storage Area.

Picture 13— Abandoned-like materials found at the Chemical Storage Area.

Picture 14 — Top view of spill containment pallet. Evidence of spills/residues can be observed.

Picture 15 — Pipes submerged in oily substance. I was found at the CMS Plant.

Picture 4 — Container with pipes found at CMS Plant. The container was exposed to the elements.